

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Felix M. Whren,)	Civil Action No. 1:23-cv-00269-SAL
)	
Plaintiff,)	
)	Order Adopting Report and Recommendation
v.)	
)	
United States of America,)	
)	
<u>Defendant.</u>)	

This matter is before the court on the Report and Recommendation of Magistrate Judge Shiva V. Hodges (Report), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(d) (D.S.C.). [ECF No. 11.]

Plaintiff, proceeding pro se and in forma pauperis, filed this complaint against the United States seeking injunctive relief. [ECF No. 1.] The magistrate judge granted Plaintiff's motion to proceed in forma pauperis and issued orders (1) identifying the defects in Plaintiff's complaint and providing him an opportunity to amend and (2) directing Plaintiff to provide the documents necessary to bring this case into proper form. [ECF Nos. 6, 7, 8.] As of this date, Plaintiff has not responded to these Orders.

In her Report, the magistrate judge recommends this matter be summarily dismissed without further leave to amend. [ECF No. 11 at 1.] Attached to the Report was a Notice of Right to File Objections, which directed Plaintiff to file specific written objections within fourteen days of the date of service of the Report. *Id.* at 6. Objections were due March 21, 2023. Another six weeks have passed since the deadline, and Plaintiff has not filed an Objection. This matter is ripe for ruling.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of only those portions of the Report that have been specifically objected to, and the court may accept, reject, or modify the Report, in whole or in part. 28 U.S.C. § 636(b)(1). With no objections, the court need not explain its reasons for adopting the Report and must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (citing Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the Report, the applicable law, and the record of this case in accordance with the above standard, the court finds no clear error, adopts the Report, ECF No. 11, and incorporates the Report by reference. Accordingly, this matter is **DISMISSED WITH PREJUDICE** and without further leave to amend.

IT IS SO ORDERED.

May 9, 2023
Columbia, South Carolina

/s/Sherri A. Lydon
Sherri A. Lydon
United States District Judge